

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DONALD R. BALDWIN,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE, Commissioner of  
Social Security,<sup>1</sup>**

**Defendant.**

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**Case No. 3:05cv0166**

**Judge Thomas A. Wiseman, Jr.**

**ORDER**

Before the Court is Plaintiff Donald R. Baldwin's Motion for Summary Judgment Based upon the Administrative Record (Doc. No. 9), seeking reversal of the Commissioner's denial of his claim for Supplemental Security Income ("SSI") or, alternatively, remand pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff filed a Memorandum of law in support of his motion (Doc. No. 10); the Commissioner of Social Security ("Commissioner" or "Defendant") has filed a response opposing Plaintiff's motion (Doc. No. 13), and Plaintiff filed a reply brief (Doc. No. 14).

Upon review of the Administrative Record as a whole (Doc. No. 5, Attachment; hereafter, "AR"), the Court finds that the ALJ failed to comply with 20 C.F.R. § 416.927 in evaluating the medical opinion of Plaintiff's treating physician, Dr. Michael Rhodes, and in evaluating the opinions of the non-examining state agency doctors, which constituted reversible error regardless of whether substantial evidence in the record might otherwise have supported the ALJ's decision.

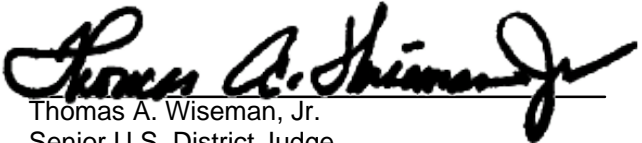
For those reasons and as set forth in greater detail in the accompanying Memorandum Opinion, Plaintiff's motion is hereby **GRANTED** to the extent he seeks remand to the Commissioner for further proceedings, and **DENIED** to the extent he seeks judgment in his favor as a matter of law. This matter is **REMANDED** for further proceedings in order for the Commissioner to properly evaluate the opinions of Plaintiff's treating physician and the non-examining state agency physicians concerning the nature and severity of Plaintiff's spinal impairments consistent with 20 C.F.R. § 416.927.

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<sup>1</sup> Michael J. Astrue is automatically substituted for his predecessor Jo Anne Barnhart as Commissioner of the Social Security Administration. Fed. R. Civ. P. 25(d)(1).

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.



Thomas A. Wiseman, Jr.  
Senior U.S. District Judge